

since with Jimmie Hicks, and also because Annie Brown was causing trouble between Rose Osage's father and mother by having improper relations with Amos Osage, Rose Osage's father. There is some evidence that Rose Osage and Jimmie Hicks, with her were the persons last seen with Annie Brown when she was alive.

Bill Brackett, private detective working for Geo. E. Finker of Tulsa, and John Moran, of Tulsa, and John Moran, a private detective who has worked a great deal on these cases, expressed themselves as being of the opinion from the investigations they had made that Rose Osage and Jimmie Hicks had not killed Annie Brown, nor had any part in it.

EXPLANATIONS AND MOTIVES RE: CHARLIE WHITCHORN MURDER:

Charles Whitchorn was a young Osage Indian man, married, and living at Pawhuska. He had no children, and his wife was one Hattie Whitchorn, who had been previously twice or more married to other men. Whitchorn was above the average Osage Indian, but was quite wealthy and did indulge in rather frequent drunken spree and parties with women. He is not known to have had any enemies, but the evidence so far shows that it is possible that he was on a drunken spree with some persons, whose identity has not yet been learned or mentioned, and that he was killed as a result of an unexpected quarrel, and not by premeditation. However, this theory is practically untenable.

A second theory that has been advanced is that Whitchorn was killed by some man because of Whitchorn's illicit relations with some young man's wife or daughter. This theory also is practically

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reached, nor suit filed. The insurance company made a rather exhaustive investigation in the case, and we have been trying to get a copy of the report of said investigation, but have not been able to do so as yet. Gen. E. Finker states that Roan was examined for the insurance by a doctor at Pawhuska named Aaron, and that Roan was known to be a syphilitic, probably syphilitic, and on two occasions had made apparent attempts to commit suicide, so that no honest agent or company conversant with the facts would accept Roan as a risk, except with an extraordinarily high premium. The regular examining physician for the insurance company was said to reside at Fairfax, and it is said to be a suspicious circumstance that Roan was not taken to this physician for examination.

Another theory that is rather generally believed is that Henry Roan was murdered by or at the instigation of his wife, Mary Roan, and one Roy Bunch. This is based on the commonly known fact that Roy Bunch for a long time previous to Roan's murder had been having intimate relations with Roan's wife, sleeping at Roan's house in Roan's absence, and that Roan on various occasions went to his friends and to the officials for aid and assistance in breaking up the relationship between Roy Bunch and Roan's wife. That on one occasion, Roan took a gun and went out to kill Roy Bunch, but Roy Bunch escaped. It was over this trouble that Roan made two apparent attempts to commit suicide, but these attempts to commit suicide were apparently not in good faith, as he managed to shoot himself in such a way as to not inflict a serious injury, and it is thought that he did same with a view of inducing his

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wife to discontinue her illicit relations with Bunch. Henry Roan's wife and said Roy Bunch married each other practically within a month after Roan's death, and are now said to be living as man and wife at Fairfax.

Roan was also an Osage Indian who would drink and go whiskey drinking at practically every chance, so that in his case there is a possibility that he was killed in an unexpected quarrel. He was last seen alive January 25, 1921, and was found dead sitting in his own car about four miles from Fairfax, with a bullet hole in the back of his head, February 6, 1921.

EXPLANATIONS AND MOTIVES IN RE: MURDER OF WM. E. SMITH AND HIS WIFE, nee RITA KYLE, AND NETTIE BROOKSHIRE, SERVANT:

There are but two theories advanced as to this case.

On March 10, 1923 the Smith residence at Fairfax, occupied by Smith and his wife and said Nettie Brookshire, was destroyed by a terrific explosion. Mrs. Rita Kyle Smith and Nettie Brookshire were killed almost instantly. W. E. Smith died four days later from the results of his injuries.

One theory is that this was caused by a gas explosion in some manner, but this theory cannot stand, in view of the terrific force of the explosion, and subsequent investigation by an explosive expert.

The belief held almost universally by ~~xxxxx~~ reliable persons conversant with all facts and circumstances is that Wm. K. Hale was the instigator of this explosion and these murders, said belief being

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Based on the following facts:

Mr. W. E. Smith, nee Rita Kyle, was a sister of Ernest Burkhardt's wife, and a daughter of Lissie Kyle. Bad feeling existed between these families and the Hales, because of the will which the Smiths believed the Hales and Burkhardt had induced Lissie Kyle, the mother, to make whereby Ernest Burkhardt's wife and two children were getting a larger share of the estate of Lissie Kyle than appeared just. Smith and his wife were also outspoken in their declarations of their belief that Hale and the Burkharths had caused the murder of Annie Brown in order that a large part of Annie Brown's property should come into the possession of the Burkharths, and indirectly, Hale. Smith and his wife were very active in pushing investigations in attempts to discover the real facts as to the murder of Annie Brown, and freely expressed their conviction that Hale and the Burkharths were responsible for Annie Brown's murder.

Another cause of animosity between the Smiths and the Hales and Burkharths was that Smith claimed that Hale owed him \$6000.00, which Hale refused to acknowledge. Smith had filed suit against Hale for this amount, and this suit was pending at the time of said explosion and subsequent deaths. It does not appear that the Hales or the Burkharths expected to benefit financially by the Smiths' death, as Lissie Kyle had already died, except that Hale is suspected of intending to benefit to the extent of \$6,000.00 which Smith at his death claimed Hale owed him. The main motive attributed to Hale and the Burkharths for causing the murder of the Smiths is that the Smiths were very open in their statements that they were convinced that Hale

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and the Burkhardt were responsible for the murder of Annie Brown, and the Smiths were very active in trying to have Annie Brown's murder solved.

Considerable erroneous information has been put forth in the investigations in this case, so that this Agent will state here that the following are the true facts:

Roan was not related by blood or marriage in any way to Wm. H. Hale, the Burkhardt or the Fyles, and his death would not in any way benefit any of them by reason of heirship or otherwise. The \$25,000.00 policy in favor of Hale being apparently the only benefit Hale could expect to receive by reason of Roan's death.

Charlie Whitehorn was not related in any way, by blood, marriage or otherwise to the Hales, Burkhardt or Fyles, and so far as this Agent can now determine, they could have no possible interest in his death, and there has been no evidence adduced to show that they had any knowledge or information of or interest in that murder.

Agent will draw attention here to the fact that the first of these murders occurred at practically about the same time, that is, in May, 1921, when Annie Brown and Charlie Whitehorn were killed. There is no apparent connection between these two murders. Almost immediately after these murders, detectives were employed by the administrators and representatives of the murdered persons. Among the detectives so employed Agent has learned of the following:

John Gustafson, private detective, then of Tulsa, Okla.,
now of Kansas City, Mo.;

John Moran, private detective, of Tulsa, Okla.;

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One Pike, private detective, said to be an operative of the Foster Burns detective agency at Tulsa, Okla. Pike is said to have been employed by the Barkharts' interests, however:

One Mitchell, private detective, working under said John A. Gustafson;

One Mr. Brackett, Tulsa, Okla., private detective, operative for John Gustafson, and also in the employ of Geo. E. Tinker at Pawhuska;

One Zensel, whom Agent heard about from just one person, and about whom Agent has as yet learned nothing as to Zensel's employer and residence;

Herman Fox Davis, employed by Geo. F. Short, Attorney General of the state of Oklahoma. Davis lasted but a few weeks, as he seemed to have almost immediately started to collect bribe and graft money instead of working on these cases, and is now said to be in the McAlester penitentiary on a plea of guilty of soliciting and collecting such bribes.

Calvin S. Weakley, Special Agent, Dept. of Justice, began working on these cases about July 14, 1935, and is still continuing.

Outside of a few reports by said John Moran and the reports by Mr. Weakley, no written reports seem to have been furnished the employers by the said detectives and operatives, so that the results of a great deal of the investigations by said detectives and operatives is only known by verbal communication, and is very ~~unreliable~~ scant, indefinite, and conflicting.

Agent in Charge James G. Findlay, Okla. City, conferred with this Agent fully and furnished this Agent the complete Department of Justice file, which included all of Mr. Weakley's reports and such of John Moran's reports as Mr. Moran had preserved and furnished Mr. Findlay.

Agent also conferred with John Moran, Geo. E. Tinker, D. E. Davis, attorney of Fairfax, Okla., G. K. Templeton, former County attorney of

Handwritten initials

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7 Osage County, Frank Shaw, Fairfax, Okla., Tribal Counselman, Okla.
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9 Address, XXXX banker, Fairfax, Okla., H. E. Wilson, Justice of the
10 Peace, Fairfax, Okla., and it is from an examination of said reports
11 and from the information gathered in conference with said above named
12 gentlemen that Agent secured the information set out above.
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17 In view of the unsatisfactory state of the evidence and informa-
18 tion gathered by investigators heretofore in these cases, and the in-
19 definite and conflicting nature of the same in many instances, it is a
20 difficult and tedious task to correlate and digest the information and
21 evidence thus secured. Agent has been working on this task, through
22 these conferences and personal investigation, for the past five days,
23 and is separating and digesting this evidence and information to get
24 same into a logical and chronological and understandable shape, so that
25 hereafter the evidence gathered may be all in written form and under
26 the proper cases, and not have the information and evidence as to the
27 different cases all intermingled and interspersed in a confusing and
28 misleading manner. When this is accomplished, then the work of inves-
29 tigation by this Agent will be begun in earnest, and this Agent can see
30 now that it will be necessary to cover the entire ground that has here-
31 fore been gone over, in order to get the best results possible.
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47 This Agent has arranged with Mr. Findlay, Special Agent in Charge
48 of the U. S. Bureau of Investigation at Okla. City, and John Moran,
49 who is going to be employed by the representatives of some of the mar-
50 ried persons, and with Mr. Geo. E. Tinker and others that hereforward
51 these investigations will be carried on in strictest co-operation and
52 as one organization, for one common purpose.
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Report by T. F. Weiss, Oklahoma City, September 4, 1923.

DIORNT OF EVIDENCE SECURED TO DATE RE: MURDER
OF ANNIE KYLE BROWN BETWEEN MAY 21 and
MAY 27, 1921.

Edith Davis, 40 N. Yorktown St., Tulsa, Okla., stated to this Agent that she was a rather close friend and associate of Annie Brown and Annie Brown's murder; that Annie Brown was very loose morally, and was a confirmed drinker; that Annie Brown also probably was addicted to narcotics, and would go out with anyone at any time on any kind of a party where there would be plenty of whiskey; that Annie Brown would get up at any time of a night to join such a party.

Edith Davis stated further that on Friday, May 20, 1921 she, Edith Davis, and Annie Brown and others were in Pawhuska together; that Annie Brown has a half sister at Pawhuska named Bruce Bightart; that on that date Annie Brown left Pawhuska and went to Fairfax, where Annie Brown then lived, and she, Edith Davis, did not go to Fairfax, and never saw Annie Brown afterward.

Edith Davis stated that her firm conviction is that Rose Osage and Jimmie Hicks, alias Joe Allen, murdered Annie Brown, and that she, Edith Davis, bases this belief on the fact that she knew Rose Osage personally and well and knows that Rose Osage was very violent and jealous of Annie Brown because Annie Brown was flirting with Jimmie Hicks, whom Rose Osage then had as a lover, and that Annie Brown was also having improper relations with Amos Osage, father of Rose Osage, and that she, Edith Davis, knew that Rose Osage hated Annie Brown.

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7 and that Rose Osage is of a violent disposition, and would not hesi-
8 tate to kill anyone if she became angry enough.

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10 Edith Davis told Agent further that she had been informed con-
11 fidentially that on Saturday night, May 21, 1921, Fannie Lasley, Rose
12 Osage and Jimmie Hicks were at Pawnee, Okla.; that Fannie Lasley told
13 her, Edith Davis, that Rose Osage and Jimmie Hicks stole her, Lasley's
14 car that night at Pawnee without her permission. That Fannie Las-
15 ley also told her, Edith Davis, that when blood was found on the car,
16 in which Rose Osage and Jimmie Hicks were riding, Rose Osage had told
17 the officers that this blood was caused by a cut on Edith Davis' hand,
18 caused by an accident when some glass had been broken. Edith Davis
19 states that she never cut her hands, and never got blood on any car in
20 that way, and that she knows of no reason why Rose Osage should have
21 made this lying statement, unless Rose Osage were guilty.

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23 Edith Davis states further that she knows that Annie Brown ordi-
24 narily dressed very well, and that a pair of shoes was found in the
25 car with Rose Osage and Jimmie Hicks, and that when these shoes were
26 found, Rose Osage had one pair on her feet, but when questioned as to
27 the second pair, declared that they were also hers. Edith Davis states
28 that this second pair of shoes were found in the bottom of the car,
29 and were low shoes, and in her opinion were Annie Brown's shoes. She
30 states also that she was informed that Annie Brown's body was found
31 wrapped in an Indian blanket, propped up against a tree in an appar-
32 ently sitting position, and that she, Edith Davis, knows that Annie
33 Brown would not go out on a party dressed in this manner, and that
34 she believes that the story by Laura Corn to the effect that Rose Osage

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10 told her, Conn, that they had taken Annie Brown's clothes off because
11 of getting blood on them, and had bundled the clothes up and thrown
12 them away, was true, and that this explained to her, Edith Davis,
13 and, that Annie Brown was found in either a kimono or underwear with
14 an Indian blanket wrapped around her, and in her stocking feet instead
15 of being dressed as Annie Brown practically always dressed.

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17 Edith Davis stated further that after Annie Brown's murder, Rose
18 Osage avoided Edith Davis so noticeably where she had been so friendly
19 before, and that on one occasion in Pawhuska when Rose Osage pretended
20 to not see her, she, Edith Davis, asked Mary Osage, a little sister of
21 Rose Osage, who was along, what ailed Rose Osage, and little Mary re-
22 plied that "Rose is afraid".

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24 Edith Davis stated that she knew Annie Brown very well, but did
25 not know Bryan Burkhart at all, and had never heard Annie Brown or
26 anyone state that Annie Brown was in any way infatuated with Bryan
27 Burkhart.

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29 Bob Carter, Fairfax, Okla., taxi driver, testified that on Satur-
30 day, May 21, 1921 he was hired by Annie Brown and drove her from Fair-
31 fax, Okla. to Gray Horse, Okla., and left her there.

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33 Mrs. Martha Upright, now of Bartlesville, Okla. but at that time
34 a servant in the Ernest Burkhart family at Gray Horse, Okla., made a
35 statement to the effect that on Saturday, May 21, 1921 she was working
36 for Mrs. Ernest Burkhart at Gray Horse, Okla. and that Annie Brown was
37 there at that time visiting; that Ernest Burkhart, Bryan Burkhart and
38 several others were present. That Annie Brown quarrelled with her
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mother at that place that day, and also quarrelled with Bryan Burk-
hart. That Annie Brown told Martha Upright that day that she would
kill anyone whom she caught flirting with Bryan Burkhart, and that
Bryan Burkhart told her, Martha Upright, that Annie Brown had told him
that she was going to kill him if he did not marry her, but that he,
Bryan Burkhart, intended to beat her to it.

Martha Upright states further that Bryan Burkhart, Ernest Burk-
hart and the rest left the Ernest Burkhart home that evening about
11:00 P. M. that Ernest was driving a Buick car and someone else driv-
ing a Ford, she does not know who.

Bryan Burkhart, Fairfax, Okla., testified that he brought Annie
Brown back from his brother's home at Gray Horse the evening of May
21, 1921 and that he let her out at her house in Fairfax about 4:30
or five o'clock and did not go to the house with her; that she had been
drinking and that was the last time he ever saw her alive; that he did
not notice whether she had on any shoes or not, but believed that she
was in her stocking feet, but might have had ~~socks~~ ~~socks~~;
that on that occasion when he let her out at the house she told him
that she was going to have a party that night, but did not mention
him, and did not tell him the name of the persons she expected to be
at her party.

Fred Wheeler, Joe McGuire and T. B. Jones of Ralston, Okla., are
reported to have stated that on the evening of May 21, 1921, Saturday,
about dark they saw Bryan Burkhart with Annie Brown in a Buick car at
Ralston; that Burkhart and Annie Brown drove up in front of Bob

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McSpadin's restaurant and Joe McGuire spoke to Annie Brown and re-
cognized her and she spoke to him (T. B. Jones and Fred Wheeler are
now said to be dead.)

Said McGuire is reported to have stated that Bryan Burkhardt and
Annie Brown stopped but a short time in front of said restaurant, and
then drove off together in the same car they had come in, a Buick.

Mrs. George James, living about two blocks south of Annie Brown's
home at Fairfax, Okla. is reported to have testified at the Annie
Brown inquest that about four A. M. Sunday, May 22, 1921 she heard
some parties quarrelling near her house and heard a man's voice say-
ing, clearly, "Annie, get in". and that she, Mrs. James, heard a drus-
sard woman's voice answering something; that these parties then drove
up in a car to Annie Brown's house where the porch-light was turned on
and went up on the porch; that Mrs. James saw the man and noticed that
he had on gray trousers, tan shirt and a hat and was tall and slim
(Mrs. James will be interviewed further as to whether she recognized
Bryan Burkhardt's voice or recognized who the man was with Annie Brown
at the porch, etc., etc., as it appears that she has not been ques-
tioned very thoroughly.)

Mrs. ----- Johnson of Fairfax, Okla. testified that her daughter,
Iva, age not shown, told Mrs. Johnson that Rose Osage had told said
Iva that she, Rose Osage, had killed Annie Brown and had then thrown
her out of the car where she was found, etc. (but later Iva Johnson
stated that Rose Osage had not told her this. Mrs. Johnson will have
to be seen further in regard to this.)

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Iva Johnson, Fairfax, Okla., testified at the inquest that Rose Osage had not admitted to her that she, Rose Osage had killed Annie Brown, but Iva Johnson did testify at said inquest that she saw Rose Osage and Annie Brown together in a hotel at Fairfax late in the afternoon, Saturday, May 21, 1921 and that Annie Brown and Rose Osage left said hotel together late that afternoon in Fannie Lasley's car for Pawnee. (Iva Johnson will have to be interviewed further, as this is directly contradictory to the known story told by Rose Osage and Jimmie Hicks, who denied having seen Annie Brown for over a week previous to her murder.)

Mrs. Anna Bennett, Pawnee, Okla., stated that she was running a rooming house at Pawnee, Okla. and that on May 21, 1921, Saturday, Fannie Lasley and Rose Osage came to her rooming house between eleven and twelve o'clock and that she asked them who they had come with, and Rose Osage answered, "There are a couple of dead ones down in the car" and Mrs. Bennett answered, "I guess you mean dead drunk".

Mrs. Bennett further stated that she did not see Annie Brown at Pawnee that night, and that the party left about twelve o'clock. (Anna Bennett should be seen again, as it is this Agent's information that Fannie Lasley stayed at Pawnee all that night. Fannie Lasley should also be seen and interviewed.)

Joe Allen, alias Jimmie Hicks, Fairfax, Okla., testified at the inquest and contradicted himself several times. He testified that he and Rose Osage and Mary Osage and Fannie Lasley and Jack Hale went from Fairfax to Pawnee on the night of May 21, 1921; that they arrived at Pawnee about nine o'clock. In one place Allen testifies that he

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7 left Pawnee about one or two o'clock and got back to Fairfax about
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9 later, but in another place he admits that he left Pawnee about twelve
10 o'clock and got back to Fairfax about one thirty. He states that he
11 took the girls to the hotel except Fannie Lasley, who had stayed in
12 Pawnee, and then drove Jack Hale home, and that he did not see Annie
13 Brown that week, and did not remember when he had seen her last.

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Rosie Osage testified that the shoes found in the car belonged to her, and that on Saturday, May 21, 1921 she went to Pawnee and got back about 1:30 A. M. Sunday morning; that Jack Hale and Joe Allen left and she does not know where they did go. Rosie Osage testified that she had not seen Annie Brown for about a month, but later, upon being recalled, admitted that she had seen Annie Brown at Burbank a few days before, and had brought her to Fairfax.

Mary Osage, Rose Osage's sister, testified that she went to Pawnee on Saturday night, May 21st with Joe Allen, Fannie Lasley, Rose Osage and Jack Hale; that Fannie stayed at Pawnee that night and the rest came back to Fairfax and she got out while they went to take Jack Hale home. That she, Mary, had not seen Annie for several days before Annie was killed.

Joe Allen testified again that when they came back from Pawnee to Fairfax the night of May 21st that they left Mary out at the hotel and they went to take Jack Hale home; that when they (it does not appear who is meant by "they") took Jack Hale home, they stopped the car on the side of the hill and went to sleep, and were awakened by a car coming up the hill. That this car was driven by Frank Terrill; that there was a man with Frank Terrill, but he does not know who he was.

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6 That he came on to town with Rosie and let her out at the hotel. That
7 he did not know Annie Brown very well, and had not seen her for a
8
9 long time.

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12 Rose Osage testified the second time that when she came up from
13 Pawnee on the night of May 21st with Joe Allen that she went with Joe
14 Allen to take Jack Hale home, and that after taking Hale home, she and
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That he came on to town with Rosie and let her out at the hotel. That he did not know Annie Brown very well, and had not seen her for a long time.

Rose Osage testified the second time that when she came up from Pawnee on the night of May 21st with Joe Allen that she went with Joe Allen to take Jack Hale home, and that after taking Hale home, she and Joe went to sleep on the left side of a hill on the way into town from Hill Trent's, where Jack Hale worked. (It will be noted that Rosie Osage had testified previously that she got out at the hotel on their return to Pawnee and Jimmie Hicks went with Jack Hale to take him home, and that Jimmie Hicks had told the same thing. They are contradicting themselves considerably.)

Lee Uto, Fairfax, Okla., stated to Agent Hensley that on May 21, 1921 he and Robert Kisse of Fairfax, Okla. drove up to Annie Brown's house about eight P. M. but found no one at home; that they called at her house again about 11 P. M. that night and found no one at home; that between three and four A. M. Sunday, May 22, 1921 he and Kisse were still driving Jess Smith's Super-Six car, and drinking, and that they saw the lights of a car driving down Main Street at Fairfax; that after watching this car and hearing it drive out on Main Street across the railroad tracks, he and Kisse followed, hoping to find some women in it; that he and Kisse passed this car, which he thinks was a Hudson Coach, and then stopped and waited for it to pass them. That this was beyond the bridge in the direction of the place where Annie Brown's body was found; that as the car passed he, Uto, looked, and thinks there was a man on the front seat driving it and one or two persons

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7 and their friends moved a short distance away from where the Rose
8 Oauge-Annie Brown party was going on, and shortly afterwards heard
9 two shots, evidently fired by some member of the Rose Oauge - Annie
10 Brown party, and heard some ~~xxxx~~ talking, which proved that Annie
11 Brown was murdered at that time by either Rose Oauge or Jimmie Hicks,
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Geo. E. Tinker of Pawhuska gives Agent this confidential infor-
mation, and states that Mandy Claremore and Mary Blackbird are now in
Colorado and New Mexico, but are expected home at any time at Fair-
fax. Mr. Tinker has promised to get in touch with Agent as soon as
these women arrive, and states that he now believes that they
can be induced to tell the truth in the interests of justice by his
Tinker's sister, who is a close friend to the said two women. These
two women are evidently the two women that A. W. Comstock referred to
heretofore, and that Geo. E. Wright had in mind in his letter stating
(see his information that two eye-witnesses had been found.)

J. L. Ellsworth, Andy Smith and Ona Smith of Fairfax, Okla.,
found the body of Annie Brown in the forenoon of May 27, 1921. It
was found propped up in a sitting position with an empty whiskey bot-
tle nearby. They called Scott Mathis of Fairfax, who also saw the
body, and the body was found on the bank of Three Mile Creek, about
three miles east of Fairfax and about three hundred yards from the
main road from Fairfax to Pawhuska. The body was in stocking feet
and no shoes found nearby. Decomposition had set in, and a bullet
hole was found in the top of the head, ranging downward. The bullet
was never located, although Geo. Tinker states that the body was cut

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up into small pieces in a vain effort to find the bullet.

Mr. Fulk, Chief of Police of Ponca City now, but then a Police Department officer, made considerable investigation in this case, but made no written reports. He has expressed himself as convinced that Annie Brown was murdered by Rosie Osage or Jimmie Hicks, or both. Mr. Fulk endeavored to trace a telephone call that was said to have been made from Phone 41, Haiston, Okla. to Annie Brown the night of her murder, but Agent has not seen Mr. Fulk, and did not know what success he had in tracing this telephone call.

Mr. Fulk also stated that he and D. E. Johnson found Rosie Osage and Joe Allen, alias Jimmie Hicks, in Fannie Wesley's car near where Annie Brown's body was later found the evening of May 21st, and that he ordered Rosie Osage and Jimmie Hicks to put the car up, but learned that they did not do so that evening, but did not deliver the car to Murrin's Garage until the next morning, May 22d.

Mr. Fulk states that this was the evening of Saturday, May 21st, and that D. E. Johnson, attorney of Fairfax, was with him, but D. E. Johnson of Fairfax is quoted as stating that it was not Saturday, May 21st, but Tuesday, May 24th that he and Fulk met Rosie Osage and Hicks.

Bob Parker, City Marshal, Fairfax, Okla., is said to be the officer who found the blood on the car and found the shoes in the car in which Rosie Osage and Jimmie Hicks were riding. (Mr. Parker should be interviewed as to whose car this was and as to what explanations were given as to the blood that it is said was found on the car, and as to further evidence that Mr. Parker is said to have secured.)

Sarah or Laura Gonn (name spelled both ways), a Kaw Indian Girl

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living one mile north of Kaw City, made an affidavit shortly after the murder of Annie Brown, a copy of which this Agent has seen, and which in effect states that she, Sarah Conn, talked to Rose Osage and Jimmie Hicks and that each one separately told her that they had killed Annie Brown while together out on a party and that they had got blood on her dress and had rolled her dress up in a bundle and had thrown it in the creek, that they had killed her in the car and had put her body out.

She was informed by Edith Davis last that she, Edith, had also been told that Jimmie Hicks and Rosie Osage had talked considerably after Annie Brown's murder, and that Jimmie Hicks had claimed that Rosie Osage had killed Annie Brown, but Rosie Osage had stated that she was in a fight with Annie Brown when Jimmie Hicks took the gun and shot Annie Brown in the head. Sarah Conn should certainly be interviewed fully and more thoroughly because her story fits too well with the story of Iva Johnson and Iva Johnson's mother.)

Fannie Lasley, of Fairfax, Okla., does not seem to have been interviewed, but is reported by Edith Davis to have told Edith Davis that on the night of the Annie Brown murder Rosie Osage and Jimmie Hicks stole her, Fannie Lasley's car, at Pawnee, Okla., and that Fannie Lasley told Edith Davis also that Rosie Osage when questioned about the blood on the car told the officers that the blood had gotten on the car because Edith Davis had cut her hands on some broken glass in an accident to the car. Edith Davis states that this was absolutely untrue, as to her cutting her hands or being in an accident.

See E. Knight, Eupt. of the Osage Indian Agency, Pawnee, Okla., states in his letter of March 20, 1923 to the Commissioner of Indian Affairs at Washington, "I have also been advised within the last few

says that two eye witnesses to the Annie Brown murder had been discovered who are ready to give their testimony if assured the protection of the Government".

(Geo. E. Wright does not seem to have been interviewed, and the names of these two alleged eye witnesses secured, and this will be done.)

Bright Reddy, merchant, Pawhuska, stated to Calvin Feakley that Reddy had heard that a man named, Trent, living near Yellowhorse Camp, being the man for whom Jack Hale worked at the time of the Annie Brown murder, had seen Hovie Gage and Annie Brown and others together near where Annie Brown's body was found the night of the murder - Saturday, May 21, 1921. (Mr. Trent does not seem to have been interviewed, and this should be and will be done.)

DIGEST OF INFORMATION AND EVIDENCE SECURED TO DATE
IN RE: MURDER OF CHARLIE WHITEHORN, ABOUT
A MILE NORTH OF PAWHUSKA, OKLA.,
between May 13 and May 21, 1921.

Mrs. Hattie Whitehorn wife of deceased, now Mrs. Hattie Smithgreen, of Arkansas City, Kans., is reported by John Moran, of State Ave. No. 47, to have stated on June 29, 1921 that on the night of Friday, May 13, 1921 she and Earl Savage and Minnie Savage and the Savage's little girl went down town at Pawhuska about 7:30 P. M. leaving Charlie Savage and one Dewey Sutton playing cards together at the Savage home at 322 Grand View, Pawhuska; that later about 8:30 P. M. the same evening Charlie Whitehorn met her on the street and took her home, the Whitehorns then living in Pawhuska; that Whitehorn, however, did not come in, but went back to town stating that he was going back to town.

Mrs. Whitehorn is reported as stating further that on that day

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6 her husband, Charlie Whitehorn, told her that he was going that night
7 to Forsyth with Roy Meeker and Louis James. Mrs. Whitehorn is further
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her husband, Charlie Whitehorn, told her that he was going that night to Forsyth with Roy Meeker and Louis James. Mrs. Whitehorn is further stated farther that on this night of Friday, May 21, 1921, when Whitehorn left her and went back downtown was the last time she ever saw him alive. Mrs. Whitehorn stated further that Minnie Savage had later request her, Mrs. Whitehorn, to not tell anyone about the fact that Dewey Sutton and Charlie Whitehorn were playing cards together that night at Savage's home (but Agent finds that on June 18, 1921, eleven days previous to this statement by Mrs. Whitehorn that Mrs. Minnie Savage had made a long signed statement to detective John Moran in which Minnie Savage stated, in substance, that she believed that Dewey Sutton had killed Charlie Whitehorn and that Dewey Sutton and Charlie Whitehorn were all playing cards together the last time Minnie Savage saw Charlie Whitehorn alive. The whole tenor of Minnie Savage's statement to John Moran which will be set out later was to throw all the suspicion on Dewey Sutton and it is Agent's opinion that Mrs. Hattie Whitehorn and Minnie Savage both were aware that Dewey Sutton, who was also claimed to have the name of Cecil Hallie, was not the guilty party, and that Minnie Savage and Hattie Whitehorn knew who the guilty party was and were trying to protect him and mislead the investigators.

Minnie Savage, wife of Karl Savage, Pawhuska, on June 18, 1921, made the following signed statement to John Moran:

"I, Minnie Savage, give the following as to the information as to the killing of Charlie Whitehorn:

I live at 222 Grand View and rent out rooms. About April 25, 1921, a man came to the rear door of the house and asked me if I might make room and board for him. I gave the man a room. He gave the name of Dewey Sutton. He was tall, slender and of about 22 years of age and

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began dark brown hair. He made arrangements to stay about a week, all
 he slept on the sleeping porch with Mr. Savage. He was looking for work
 and Mr. Savage helped him to get work with Mr. Asborne at the County
 Farm. He went to work about the middle of the week. He came
 from work and stayed until Sunday evening and then he came
 to Asborne's place and worked all week. He came in again on
 day evening on Sunday morning May 7th or 8th and went back Monday morn-
 ing. Mr. Asborne discharged him for not returning Sunday evening, and
 he came to my house again Monday. He did no work that week, but said
 he had written his mother at Muskogee to have her send him ten dollars
 to come to Muskogee, and that he expected to leave Pawhuska Saturday
 night, May 12, 1941. Friday evening Dewey Sutton and Charlie Whitehorn
 were playing cards on the dining room table and Mr. Savage and Mrs.
 Whitehorn and my little girl Ruby and I all went to the show at the
 Mason Theater, leaving Dewey Sutton and Charlie Whitehorn at the house.
 This was a little before eight P. M. We left Mrs. Whitehorn at Dr.
 Langworthy's office, where she had an appointment for eight o'clock.
 Mr. Savage also had an appointment with Dr. Langworthy for about eight
 o'clock and we left him on the street and took my little girl with us
 to the Mason Theater. He came out of the theater about 9:15 P. M.
 and started home and met Mr. Savage on the street and we all went to
 Mrs. Whitehorn's. Mrs. Whitehorn was at home when we arrived. Mrs. Whitehorn
 said that Charlie had brought her near home from the doctor's office and
 then returned toward town. Mr. Sutton was not at home when we arrived
 but he came in about 11 P. M. He usually came in the front door, pass-
 ing through the house to the sleeping porch, but that night he came
 around the house and in the rear door and went to where he kept his
 suit-case and opened the case, putting something in or taking something
 out of it. I could not see him, but I heard the locks on the suit-case
 work. He got up early the next morning and as he left the place he had
 all of his good-bye and left on the 6 A. M. train for Muskogee (Saturday
 May 11, 1941). Some time later we received a letter mailed at Okla.
 City on May 23rd which was signed Cecil Hallie, which we knew was from
 him. We also got a letter a few days later dated at Okla. City, which
 we also knew was from him. On Saturday following the finding of the
 body of Charlie Whitehorn, Sutton came to my house at Pawhuska and
 stayed about two hours. He paid for a room then but later he seemed
 very unsettled and later asked for his money back, saying that he thought
 he would try to get a car to Selagony and then to Muskogee. He had
 plenty of money but said he had not worked since, but had been doing
 hunting work. When Sutton left on June 14th he wore a brown suit and
 when he returned the last time he wore a suit of overalls which were
 like something like the clothes that are ordinarily worn by workmen.
 This suit changed his appearance until I did not know him. He looked
 very much different to the person whom we had known and seen before.
 He left that evening, saying that he would write us, and we have not
 seen him since."

Witness J. J. Moran. (signed) Minnie Savage.

John Moran informs Agent that he, Moran, traced Dewey Sutton as
 far as Muskogee, but has not located him, but has information indicating

that Sutton is known at Muskogee to a jitney driver there named W. P. Kraser, (alias Kansas.)

Roy Meeker and Louis James of Pawhuska are reported by John Carson as being with Charlie Whitehorn at the baseball game at Pawhuska on Friday, May 13, 1921. Meeker and James and Charlie Whitehorn came back from the ball game together, and Meeker and James state that they were planning to go to Pershing together that night as related by Mrs.

Whitehorn, but Meeker and James claimed they did not go as planned.

James claims that he stayed all night that night of Friday, May 13th with his brother-in-law, one John Casson at Pawhuska. John Casson's wife is said to be a sister to Louis James.

Louis James and John Casson claim that they went together to Homerville the next night, Saturday, May 14, 1921.

Louis James and Roy Meeker both claim that the last time they saw Charlie Whitehorn alive was Friday afternoon at Pawhuska, May 13, 1921.

John Casson of Pawhuska, brother-in-law to Louis James, is reported to have stated that he saw Charlie Whitehorn alive in front of a theater at Pawhuska Saturday, May 14, 1921 about 8 P. M.

Mrs. John Casson of Pawhuska is reported to have stated that she and her husband, John Casson, saw Charlie Whitehorn alive about 8 P. M. Saturday, May 14, 1921 near the Osage Mercantile Bldg. at Pawhuska, and at that time Whitehorn was in company with two white men; that all were drunk and the two white men were assisting Whitehorn.

John Casson and his wife do not seem to have been interviewed very fully as should have been done, as if their statement is true, they are the last persons known to have seen Charlie Whitehorn alive.

and if their story is true, it would apparently eliminate Dewey Eubank from the suspects.)

John Lookout, full blood Cange Indian, Pawhuska, is reported to have told John Moran that a boy named Means had told him, Lookout, that he, Means, saw Charlie Whitehorn about 10 P. M. Friday, May 13, 1921 at Pawhuska in a car with Roy Meeker; that both were drunk, and that Meeker was taken out of the car and the car drove off with White-

(John Moran states that he has learned that Means has an uncle living at Bartlesville. Means does not seem to have been located or interviewed, which should be done, as this story if true contradicts the story told by John Casson, Roy Meeker and Louis James to the effect that they were home the night of Friday, May 13, 1921, and did not go anywhere. Roy Meeker is reported to have stated that he was home that night with his wife, who did not allow him to go downtown even. It may also possibly account for the claim by John Casson and his wife that they saw Charlie Whitehorn alive at Pawhuska the next day as late as five and eight P. M. Means will be located and interviewed, if possible.)

Earl Fowler, Pawhuska, Okla., said to be a bootlegger, is the one who first found and reported the finding of the body of Charlie Whitehorn. Fowler called a pumper on the lease where Fowler found the body. Fowler does not seem to have been interviewed nor his statement taken and the pumper's name is not known. Whitehorn's body when found showed two bullet holes entering between the eyebrows in the forehead, apparently of a small caliber, about a .32 pistol, and the body is said to have been in such a position as to apparently show that he was killed

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where found, and not carried there later.

(Earl Fowler and this pumper will be located and fully interviewed, if possible.)

Mr. Johnson, undertaker at Pawhuska, prepared Charlie Whitehorn's body for burial, and testified to the fact that there were two bullet wounds, entering between the eyes and ranging into the brain, which caused the death of Charlie Whitehorn. Mr. Johnson has these bullets, and will have them, for evidence, and states that they are of small caliber, but badly battered.

Dr. Williams and Dr. Walker of Pawhuska performed the autopsy on Charlie Whitehorn's body and state to the same effect as to the location of the wounds and the finding of the bullets, and both testified that said bullet wounds caused the death of Charlie Whitehorn.

Eva Locklin or Lockland, of Pawhuska, Okla., is reported to have told A. W. Comstock, attorney at Pawhuska, that Earl Savage killed Charlie Whitehorn, and that Minnie Savage knew all about it, and helped Earl Savage, husband of Minnie Savage, to hide the crime. Eva Locklin is known as a prostitute, and is a sister of Minnie Savage. Eva Locklin stated further that Earl Savage gave the gun with which he killed Charlie Whitehorn to Minnie Savage, and Minnie Savage traded it to Roy Locklin; that the gun was a small, cheap .32 caliber gun. That Roy Locklin knows all about the crime, and is helping Minnie Savage all he can. That she, Eva Locklin, wants to protect her sister, Minnie Savage, all she can.

Later, Eva Locklin told Mr. Comstock and John Moran that she was getting all her information from her husband, Roy Locklin, and that her husband, Roy Locklin, had secured some letters belonging to Minnie

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5 Savage from Minnie Savage's mother to Minnie Savage, and that these
6 letters were very incriminating, but that it did not appear from the
7 letters whether Earl Savage or one Hoyt had actually killed Charlie
8 Whitehorn. That Eva Locklin told John Moran that she had seen the
9 gun Minnie Savage had gotten from her husband, Earl Savage, and which
10 was supposed to have been the gun used to kill Charlie Whitehorn, "and
11 that it was a rather large, dark colored gun".

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Eva Locklin was reported by A. W. Comstock as being very untruthful
to her husband, Roy Locklin, and to Minnie Savage, and Mr. Comstock
was of the opinion that Eva Locklin's story could not be relied upon,
but that she wanted the reward. However, Eva Locklin should be more
thoroughly interviewed, and this will be done.)

Roy Locklin of Pawhuska admits to John Moran that he, Locklin,
had been given a gun by Minnie Savage as related by Eva Locklin, but
that he, Roy Locklin, had traded said gun to a painter, and did not
remember whether it was a .32-20 or a 38-40.

This seems to have been about all that was ever gotten out of
Roy Locklin, and Mr. Moran interviewed the painter but never suc-
ceeded in locating the gun or getting a definite description of it,
and the painter's name has not been shown as yet.)

One ----- Smitherman, then of Pawhuska, whose first name Agent has
been unable to secure as yet, married Hattie Whitehorn within a few
months after the death of Charlie Whitehorn, and was suspected of being
implicated in the murder as he, Smitherman, was at Pawhuska apparent-
ly at that time.

Smitherman, however, told John Moran that he, Smitherman, had not
met Hattie Whitehorn or known of her until after Whitehorn's death.

and that he, Smitherman, was introduced to Hattie Whitehorn by Minnie Savage; that his, Smitherman's marriage to Hattie Whitehorn was really partly involuntary by him, but that after he had married her, he wanted to make good, and reform her.

Geo. E. Tinker states that he has information that Smitherman did know Hattie Whitehorn before Charlie Whitehorn's death, and that Smitherman and Bryan Burkhart were associates, and that he, Tinker, suspects that Smitherman and Bryan Burkhart killed Whitehorn in order that Smitherman could later marry Hattie Whitehorn and get hold of the property that she would inherit from Charlie Whitehorn's estate. Mr. Tinker, however, could not give Agent the names of anyone who knew the facts as related by him.

Mr. Tinker states further that after the marriage of Smitherman and Hattie Whitehorn they moved to Arkansas City, Kans. and recently Smitherman deserted Hattie Whitehorn, now Mrs. Smitherman, taking with him \$5,500.00 of her money and is said to have fled to South America with another woman.

(Mrs. Smitherman should be fully interviewed. There are strong suspicions that she was at least implicated in the murder of her husband, as she is said to have told Roy Robertson and Catherine Cole, of at or near Hominy, that she was going to get Whitehorn's estate, if she had to bump him off - according to John Moran.)

Charlie Woods, Pawhuska, told John Moran that on the night that Charlie Whitehorn was disappeared, May 13, 1921, Charlie Woods and a friend of his, one Hoyt, were together at a show; that Hattie Whitehorn was very jealous of Hoyt; that Charlie ~~Whitehorn~~ ~~Woods~~ stated that after Charlie Whitehorn had disappeared, but before his body had been

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found Woods and Hoyt told Hattie Whitehorn that they did not want to see her too often because Charlie Whitehorn would be angry when he came home; that to this Hattie Whitehorn replied that they need not worry because a friend of hers had told her that Whitehorn had been shot, and would not come home.

Woods further stated that his friend, Hoyt, was then in La Junta, Kansas, that is, at the time of this interview, but would come back to Kansas to show that he was not afraid of an investigation.

(But Minnie Savage told Moran that she heard Woods and Hoyt talking to Hattie Whitehorn on Dial Hill near where Whitehorn's body was found the night of May 13, 1921.)

(Charlie Woods and Hoyt should be interviewed further, and this will be done.)

John Moran is now completing arrangements to resume work on this case for the representatives of the estate of Charlie Whitehorn, and will co-operate with this Agent further.

DIGEST OF EVIDENCE SECURED TO DATE IN RE: MURDER
OF HENRY ROAN, between Jan. 25 & Feb. 6, 1923:

Mary Roan, Fairfax, Okla., wife of Henry Roan, deceased, testified that the last time she saw Henry Roan alive was on Jan. 24, or 25th, 1923, at their home at Fairfax; that on this occasion Roan had taken their little boy and had gone to Spurgin's Garage, had come back with a mechanic and had gotten his, Roan's car, and had gone back to the garage with the mechanic, leaving the little boy at home. She stated further that this was in the morning, and was the last time she ever saw Roan alive.

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(Mrs. Mary Roan is now Mrs. Roy Bunch, she having married one Roy Bunch of poor reputation less than two months after the murder of her husband. She was intimate and having intimate relations and sleeping with Roy Bunch for several months or weeks before her husband Henry Roan was murdered.)

J. H. Rhodes, Deputy Sheriff at Fairfax, found Roan's body about five miles from Fairfax in Roan's own car, three or four miles north of Fairfax, and off the main road. Rhodes found Roan's body on Feb. 6th, it having been reported to him by some other party and found a bullet hole in the back of Roan's head, which emerged from the front and evidently caused Roan's death.

There seems to be no evidence as to any gun having been found, nor as to other circumstances such as the position of the body, etc., and the names of the persons who first found Roan had not been furnished. This will be further investigated by interviewing Mr. Rhodes, etc.)

Dr. H. B. Prentiss of Fairfax and Dr. J. G. Shoun of Fairfax performed the post mortem on Roan, and testified that his death was due to the shot that entered his head behind the left ear and came out over the right eye; that he had evidently been dead possibly a week, as there was no decomposition and the body was frozen when found. The cold spell during which ~~the~~ ~~time~~ Roan's body was evidently undiscovered, began about a week before the finding of his body.

W. K. Hale, of Fairfax, ^{after} ~~testified~~ Roan's death produced an insurance policy said to have been written by an agent, Mr. Green, of this City, in the Capital Insurance Co. of Denver, Colo. This insurance policy was on the life of Henry Roan, in the sum of \$25,000.00

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5 in Hale's favor. The insurance company refused payment, but turned
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7 back the premiums paid. No settlement has been reached or suit filed
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9 in the case.

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11 The insurance company sent a representative in who is reported to
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13 have made a very full investigation at Fairfax into the matter, cir-
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15 cumstances of the insurance and the death of Henry Roan, and to have
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17 made a written report to his company. It is stated that the insurance
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19 company's refusal to pay is predicated upon the facts set forth in
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21 this written report. The department of Justice has made an effort to
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23 get a complete copy of the files from the insurance company in this
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25 case, but they have deferred furnishing them, pending advice from
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27 their legal advisors at St. Louis, Mo.

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29 (These files should be seen and examined if possible and will be.)

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31 Hale is said to have claimed that Roan owed him about \$31,000.00
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33 for loans advanced by Hale to Roan from time to time, but it is said
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35 that Hale cannot show any evidence of more than five or six thousand
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37 dollars indebtedness by Roan to him, Hale.

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39 It is also reported that Roan had this insurance payable to his
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41 wife in the first instance, but when he did not keep up the premiums,
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43 Hale took the insurance policy over and paid the premiums.

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45 Mr. C. S. Weekley states that he has been informed that Hale made
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47 application for insurance on Roan's life in one company and was refused
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49 but that later he had Roan execute a note to make an apparent insur-
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51 able interest in Hale's favor, and on the strength of this note, se-
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53 cured the insurance.

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55 Geo. E. Tinker states that Roan was not examined by the regular
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57 company doctor at Fairfax, but was taken to Dr. Aaron at Pynchon for
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examination for this policy. Mr. Tinker states that Roan was known to be tubercular, probably syphilitic and was reported to have made an attempt at suicide, and was a heavy drinker, so that because the premium paid by Hale was very high, there was apparently something suspicious about this insurance policy.

Chas. Ashbrook, banker at Fairfax, Okla., and a number of other reliable persons state that for some months previous to Roan's murder, Roy Bunch was intimate with Mary Roan, Henry Roan's wife, and was often at Roan's house in Roan's absence, staying there all night while Roan was absent, etc.; that Roan was very much incensed and depressed over this, and went for aid and assistance to friends and neighbors from time to time. That on one occasion Roan took a gun and tried to find Roy Bunch to kill him; that when Roan was sober, he would be depressed and cry about the relations existing between Bunch and his wife, but when he was drunk he would get mad and talk about killing Bunch.

Roan's wife married Roy Bunch within two months after Roan's death and they are said to be now living together at Fairfax, Okla.

(No one seems to have questioned the people at Spurgin's Garage and no evidence so far has been shown as to Roan being seen after he left his house, according to his wife's story with the mechanic from Spurgin's Garage. She stated that Roan was drinking at that time.)

(Investigation at Spurgin's Garage in Fairfax will be made.)

Sam Tulk, Chief of Police, Ponca City, but formerly Interior Department Officer at Fairfax, stated to Mr. Winkley that after the discovery of Roan's body, Roy Bunch called Roan's widow on the telephone and told her that if anyone asked her where he, Bunch, was the night

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that man disappeared - apparently Jan. 24th or 25, 1923 - for her to
inform her that he, Bunch, was with her at her home that night.

(It does not appear from whom Sam Turk secured this information,
and this will be ascertained if possible, and that followed up.)

(It does not appear as yet how much if any Mary Moran would benefit
from the death of Henry Moran in the event of his death and whether
she would have two incentives, that of getting hold of his estate, and
that of getting rid of him and marrying Roy Bunch. This will be
looked into.)

(A rather general suspicion is that Hale worked with Roy Bunch in
having Moran murdered, Hale's alleged motive being to collect the in-
surance, and Roy Bunch's alleged motive being to marry Moran's widow
and get hold of her property, which she would inherit. Agent is
informed that Mary Moran is now very unfriendly to the Burkharts, and
will probably talk. This will be investigated.)

John Moran has an informant, one F. L. Peck, alias Frank Kelly.
This man is said to be an all around crook, his specialty being car
insurance theft jobs. Peck was recently arrested at Council Bluffs,
Iowa, and is said to be out under bond on both a state and Federal
offense there, connected with an alleged car theft. It seems that
Peck claims he did not steal the car but that it was with the owner's
consent in order that the owner could collect the insurance. Peck is
said to be an associate of all the crooks in that county, but to not
be a gun man or of the violent kind.

Peck is reported to have stated that one Ben Davis killed Henry
Moran, and also an old Indian named Jimmie Day. One report is that
Peck states that Ben Davis told him this personally, but the other

the effects of his injuries four days later.

John McLean, an insurance man of Tulsa, Okla., was lodging at the Smith-Hillman hotel at Fairfax that night and had been advised by the hotel manager that he had arisen about 2:50 or 3 o'clock that morning, Nov. 10th, to go to the toilet; that in looking out of the window he noticed a flame which was shooting up and dying down at a house which he later ascertained was the W. E. Smith residence; that he watched this flame rising and falling for what he judged was perhaps one to three minutes and concluded that it was some car on fire; that the flames rose to about the top of the house, which he could see, and then would die down and then rise again and die down again, and so on; that after watching this for a few minutes, an explosion occurred which demolished the house and was accompanied by a big flash of flame, which disappeared almost instantly; that immediately afterward all was dark again; that the explosion threw him back on his bed and broke the windows in the rooms on either side of his room; that his thought was that there must have been a lot of gasoline in the car which he supposed was burning and the house did not seem to be on fire before the explosion.

(The Smith house was located four blocks from the Smith-Hillman hotel, which was two blocks north and two blocks east from the hotel.)

Dr. C. T. Powell, Professor of Chemistry at Stillwater, was called and examined the premises after the explosion and testified that the hole in the basement of said house, which basement was of concrete, was about six feet in diameter and three and one-half feet deep, and was blown through the said cement floor; that in his opinion the explosion was caused by some high explosive like nitroglycerine or TNT, or perhaps this strong dynamite, and was not caused by any gaseous explosion, and

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giving his reasons for so believing. Dr. Howell testified further that from the way the large hole was blown in the concrete floor, he was sure it could not have been from the gasoline in the car exploding, and that the explosion whatever it was must have been placed directly on the cement floor at that point which was near the garage door, and on the basement garage floor of the house.

The coroner's jury before H. H. Wilson, Justice of the Peace, Fairfax, consisted of J. H. Ward, H. H. W. Crandall, F. C. Hoefler, W. E. Copeland, A. D. Tochan, and W. G. Lynn, and returned a verdict that Rita Smith and Lottie Brookshire had come to their death about 3 A. M. March 10, 1923 at the home of W. E. Smith and his wife, Rita Smith, in Fairfax, Okla., by means of some explosive, mechanically and designedly placed and set off in the garage underneath said residence building by persons unknown, and with the felonious intent to destroy life and property.

There is a lot of information of different persons hearing a car or cars leaving Fairfax about the time of the explosion, but in examining these carefully, Agent finds nothing of probative value at this time. Mr. Westley has interviewed everyone known as to this suspected car or cars, but finds none who can say what kind of car or cars there were nor who were in it or how many persons, etc., in fact nothing of value at all as to that point.

So far, only two possible explanations have been discovered, one that is ~~the~~ Smith car, which seems to have been in the basement of said garage at that time, caught fire, and the explosion of the gasoline ~~caused~~ the result. (This explosion, however, is believed by very few, if anyone, to be the true one.)

The only possible motive thus far discovered for the murder of

Smith and his wife is that subscribed to W. K. Hale and the Burkhardt. Hale, as was stated before, being a defendant in a pending suit, pending against him by W. E. Smith in the sum of \$5,000.00 and W. E. Smith and his wife, Mrs. Smith having openly declared many times that they believed that Hale and the Burkhardt had caused the murder of Annie Brown and Smith and his wife had been very active in trying to get the evidence as to who murdered Annie Brown. It is also suspected that it was their intention by killing Smith and his wife at the same time, their estate would be inherited by the Burkhardt or Mrs. at least a valuable part of it.

Dr. S. Johnson, attorney, Fairfax, states however that Smith and his wife had executed a mutual will, providing that in the event of death of either the property was to vest in the survivor, but in the event they died apparently simultaneously the property was to vest in Smith's heirs.

Mr. Johnson states that after the explosion, Smith on his deathbed told of a daughter he, Smith, had by a former wife in Arkansas, and that he, Smith, wanted said daughter to share in the estate.

Geo. E. Tinker, however, states that his, Tinker's, son has investigated this alleged daughter of Smith's and has found that the said daughter is not Smith's daughter, but a step-daughter; that the woman now claiming to be Smith's step-daughter is really a daughter of a woman whom Smith married, and that the facts are that this present alleged daughter was two years old when Smith married her mother, and that the daughter born to Smith and this alleged daughter's mother died. (This information is of very little if any value, but may probably be worthy of consideration later.)

Geo. E. Tinker informed Agent confidentially that Herman Fox had

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special investigator appointed by Attorney General Geo. F. Short of this state, originally in these cases, but who a few weeks later was sent to the state penitentiary for accepting bribes, told Mr. Tinker that Mr. Davis had employed one notorious woman of Okla. City named Anna Belle Edwards, and hired a taxi driver named Eustace Knight, living on N. 7th St., Okla. City, to assist him, Davis, in getting the money in these cases.

Mr. Tinker states that Davis stated further that later Anna Belle Edwards informed Mr. Davis in substance that she had learned who the guilty persons were that blew up the house of W. E. Smith on March 18, 1933, and that there were three of the men, and that they drove a Studebaker car from Okla. City to Fairfax that night; that one of the men was a man familiar with the premises at Fairfax, that the other man was a taxi driver of Okla. City and that the third man was a "soup" or man to handle the explosive. That there were nine quarts of nitroglycerine used, and that it was bought in Okla. City. That the intention was to just use three quarts and scare the Smiths, but that while the soup man was placing the three quarts of explosive, the man who knew the premises at Fairfax also carried in the other six quarts and did not inform the rest of them until after it was too late to go back and get any of the nitroglycerine away, so that the result was that all nine quarts were exploded.

Mr. Tinker said that Mr. Davis stated that after Anna Belle Edwards had told Mr. Davis this much, she refused to tell any more, and would not disclose the identity of any of the three alleged men, but that Davis was of the opinion that one of the men was Halsey Kerriola of Fairfax, and the other man was Eustace Knight of Okla. City, while

the third or "soup" man could not be placed.

(Mr. Tinker is strongly of the opinion that Mr. Davis should be
sent further, and an effort made to find out the identity of the man
if possible with Mr. Davis' aid. Mr. Davis, according to the papers,
was pardoned on Sept. 4th by Governor Walton and stated that he, Davis,
would be back in Okla. City.)

Mr. Tinker states further that he has learned that Charlie West,
a Negro Indian of Fairfax, had borrowed \$75.00 from Eustace Knight at
Okla. City and that on March 9, 1923 Eustace Knight was driving the
Sundowner car belonging to Charlie West, apparently by reason of hav-
ing loaned West the \$75.00 (it will be well to interview Charlie West
as to this.)

Mr. Brackett, operative for John Gustafson and Co. Tinker, is re-
ported to have stated that Kelsey Morrison told Brackett that on the
day before the explosion at the Smith House he, Morrison, had driven to
Okla. City with Bill Howard, Amos Tucker and John Lacey of Fairfax;
that he, Morrison, had to appear in Federal court the next morning,
March 10, 1923 at nine o'clock. (Morrison did appear next morning,
March 10th at nine o'clock but could have easily driven back to Fair-
fax March 9th after arriving in Okla. City and have driven back from
Fairfax to Okla. City after causing the explosion in time to be back
at Federal court by 9 or 10 A. M. Morrison and his wife were then liv-
ing temporarily at Okla. City, and Morrison claimed that he stayed at
home that night. Morrison's wife is now dead.)

Ed Fincher, Fairfax, Okla., proprietor of the Silver Moon Cafe
there, was reported to have stated that he saw Kelsey Morrison in Fair-
fax the night of March 9, 1923 (this will be investigated further.)

Dr. A. E. Friedman, Fairfax, is reported to have stated to Agent Wright that he, Friedman, was in Ed Fincher's Restaurant at Fairfax, Okla., between eleven and twelve o'clock the night of March 9, 1933, he got something to eat. That he knows Kelsey Morrison well, and that while he, Friedman, was eating, Kelsey Morrison drove up with a brother-in-law of Morrison, one Powell, and came into the restaurant and conversed with Dr. Friedman and Ed Fincher; that Morrison asked Fincher for some cold milk and went to the refrigerator to get it; that he, Dr. Friedman, saw the car outside when he left that Morrison and Powell had come in, and that the curtains of the car were up; that he did not notice the make of the car nor see anyone in the car.

(Dr. Fincher and Dr. Friedman should be seen and more thoroughly interviewed, as Morrison has apparently made statements to a number of persons that he was at Okla. City from the afternoon of March 10th until several days later.)

L. L. E Oller, a partner of Wm. F. Hale, on March 9, 1933, sent a cablegram telegram from Fairfax, Okla. to W. F. Hale at Campbell, Tex., reading:

"Deal stands good. I will go in the morning."
(signed) L. L. Oller.

(This was the night of the explosion at the Smith house, and this message is suspected to mean that the deal had been made whereby Smith's house would be blown up that night or morning.)

Henry Morgan, manager, ~~Western~~ telephone company at Fairfax, Okla., told Mr. Wearley that immediately after Smith died, March 14, 1933, said L. L. Oller, Hale's partner, called Hale by telephone, long distance, from Halston, Okla., talking to Hale at some point in Texas (probably Campbell, Tex.) and that the Fairfax telephone

operator listened in on the conversation.

Mr. Morgan has promised to get this operator's name and the gist of the conversation.

B. B. Johnson, attorney, Fairfax, Okla., states to Agent that Mrs. Kelsey Morrison, who had two children by a former husband named Stepson has since died; that an aunt of these two children now at Fairfax lived with the Morrisons and drew \$100.00 a month for caring for these two children; that Kelsey Morrison asked Mr. Johnson and apparently others if in the event Kelsey Morrison were to adopt these two children and they were to die if he, Kelsey Morrison, would inherit their estate. (These children have valuable "lead rights" as they are part of the Smith.)

Mr. Johnson states that of course that question by Kelsey Morrison really indicated that Kelsey Morrison wanted to know whether he could adopt these children, murder them and then get their estate that way.

Mr. Johnson states further that Kelsey Morrison's wife, the former Mrs. Stepson, has died since the Smith explosion, and that Kelsey Morrison, who has a six months Federal sentence to serve for tax-evasion, has now left Fairfax, with the said two Stepson children and taking them with him and fleeing to parts unknown; that the same aunt who had this legal custody of said children was left behind by Morrison and is now said to be unfriendly to Morrison and may be able to give valuable evidence; that a state warrant is now out for Morrison, charging him with kidnapping these two Stepson children.

(This said aunt who is now living at Fairfax will be interviewed thoroughly.)

John Thompson, of the Osage Torpedo Co., told Mr. Henkley that about March 7th or 8, 1935, a day or two before the Smith explosion, said Torpedo Company's magazine located on the Schiele farm, ^{west} ~~three~~ miles and one-half mile north of DeHoya, Okla., Osage Co., was broken into and ten quarts of nitroglycerine stolen; that said company had made strenuous efforts to learn who committed this act, but without success, and that as the said magazine is located in an isolated place, it seems to be impossible to get any evidence as to who committed the deprivation.

It is now apparent that in order to make a thorough investigation in these cases it will be absolutely necessary to go over all the ground previously covered and interview all persons mentioned, as well as others again. In view of the fact that the first murders were committed about two and one-half years ago and many of the important witnesses and suspected persons have moved to other points in this state and other states it will take some time to locate and interview them all again. Some of the apparently important witnesses have since died, namely, T. B. Jones and Fred Wheeler, of Talston, Okla.

This digest is made to separate as far as possible the material from the immaterial evidence and information so far gathered and to eliminate certain information previously reported and later found to be without foundation.

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Department of Justice

Bureau of Investigation

Oklahoma City, Okla.,

October
twenty-
second,
1923

108524

Director, Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION -
MR. HOOVER - 2.

BILL SMITH, et al.

Dear Sir:

I am enclosing herewith copies of Agent Weiss' report dated September 29th to October 10th, inclusive.

I am also enclosing herewith two copies of the report made by Mr. Weiss while he was working on this investigation for the Attorney General of the state.

I am enclosing only two copies for the reason that Mr. Weiss did not make enough copies to be able to furnish this office with three copies to Washington, as I am retaining two copies here, one for the use of this office and one for the office of the United States Attorney.

Very truly yours,

NOV 6 1923

James G. Findlay
James G. Findlay,
Special Agent in Charge.

GENERAL INTELLIGENCE
OCT 29 1923
DIVISION

RECORDED & INDEXED
62-5033-
OCT 23 1923
HOOPER

Indian Affairs

26

November 1, 1923.

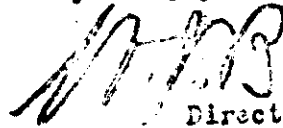
NOV 6 1923

Hon. Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

Sir:

Further with regard to the Murder of BILL SMITH
AND OTHER OSAGE INDIANS, I am transmitting herewith copy
of a report dated October 10th, together with a preliminary
report dated September 1st, made by Agent Weiss of our
Oklahoma City office.

Very truly yours,



Director.

RECORDED at 11:15

Enc. 17722

MAILED

NOV 1 1923

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REPORT MADE AT: Oklahoma City
DATE WHEN MADE: Oct. 22, 23
PERIOD FOR WHICH MADE: Oct. 14 to 19
REPORT MADE BY: T. F. Weiss.

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SMITH, et als. : Murdered Osage Indians.
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Mollester, Okla. (O. C. #7060.)
continuing, and referring to former reports,
entitled
as
above.

Oct. 19, 1923 interviewed ED BAUGHER, #172724 at the state penitentiary at Hollister, and questioned him as to the statements attributed to him by HERMAN FOX DAVIS, heretofore reported by this Agent.

MR. BAUGHER stated he had had a conversation with HERMAN FOX DAVIS re. this case, but did not say exactly what DAVIS had quoted him as saying. MR. BAUGHER stated that the true facts are that while he was in the county jail at Guthrie, Okla. in November, 1922 one FRANK FARRELL was also an inmate of said jail, on a Federal whiskey charge.

That FARRELL at that time told BAUGHER that he, FARRELL, knew all about who, how and why ANNIE BROWN, the Osage Indian woman, had been murdered; that he, FARRELL, lived at Fairfax and would be killed by a certain wealthy man there, or bumped off, if

he, FARRELL, were known to divulge this knowledge.

That FARRELL further stated to BAUGHER that if BAUGHER would come to

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OCT 30 1923

FILE NO. 62-5033-40

BUREAU OF INVESTIGATION

OCT 26 1923 RECORDED & INDEXED

DEPARTMENT OF JUSTICE

ROUTED TO: HOOVER

FEDERAL INTELLIGENCE

OCT 29 1923

DIVISION

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5 FARRRELL when BAUGHER was released, FARRRELL would give BAUGHER all the
 6 evidence FARRRELL had, and BAUGHER should then "shake down" this man
 7 who was responsible for and had caused the ANNIE BROWN murder,
 8 and FARRRELL and BAUGHER would divide the proceeds.

9 The above is all that BAUGHER would admit to knowing, except that
 10 he had agreed to see FARRRELL, as FARRRELL had proposed.

11 BAUGHER stated that he did not remember that FARRRELL claimed to
 12 have heard the murder planned, nor that FARRRELL mentioned the name of
 13 the wealthy man responsible for the murder. BAUGHER stated further
 14 that his time at McAlester expires about Christmas, 1923, and promised
 15 to see Agent then, and to see FARRRELL further and work with Agent,
 16 to get whatever reward may be due him, but BAUGHER stated that
 17 if it developed that FARRRELL is also implicated and liable to arrest,
 18 he, BAUGHER, would not do anything or tell anything that might cause
 19 FARRRELL trouble.

20 This man ED BAUGHER has a long record, including a term at Collier
 21 penitentiary where his number was 4 8 1 1 2, a term at In-
 22 diana penitentiary where his number was 7 0 1 0, and arrests at Kansas
 23 City, Mo. #1 2 0 3 1, Dallas, Tex. #2 7 1 0. His aliases being ED
 24 BOYER, alias ED BAUGHER, alias WILLIS B. SAMPSON.

25 He is an old time experienced crook, and very uncommunicative.
 26 Claims to have an uncle, G. P. HENDRICKS, getting mail at general deliv-

27 Agent notes that WM. K. HALE has filed suit against the insurance
 28 co. to collect the \$25,000.00 on HALE'S policy on the life of HALE
 29 ROAN. This suit seems to have been filed at Ponca City, Okla. about
 30 Oct. 16, 1923.

31 At Crowder, Okla. on Oct. 14th Agent endeavored to locate
 32 SUTTON and made exhaustive inquiry of MR. HUN, Postmaster, and
 33 STUARD, cafes, drug stores, etc. but learned that SUTTON and wife

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4 T. P. Weiss.

Oct. 14 to 19, 1923. -3-

5
6
7 moved for parts unknown some six months ago.

8
9 at Nowata, Okla. on October 20, 1923 Agent learned from

10 postmaster, that DEWEY SUTTON is now living at Okemah, Okla., work-

11 in a glass factory, and that his brother-in-law, one PARLINSON,

12 also working.

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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

8864-1925.

WASHINGTON NOV 10 1923

62-5033

Mr. W. J. Burns,
Director, Bureau of Investigation
Department of Justice.

Dear Mr. Burns:

Receipt is acknowledged of your letter of the
first instant enclosing a copy of several reports by
your agents who are investigating the death of a number
of Osage Indians.

Your kindness in keeping this Office informed
as to the status of the investigation is appreciated.

Sincerely yours,

Charles H. Bush
Commissioner.

GENERAL INTELLIGENCE
NOV 16 1923
DIVISION

DEC 6 7 1923

62-5033-47

RECORDED & INDEXED

NOV 18 1923
mb

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REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Nov. 9, 23	PERIOD FOR WHICH MADE: Nov. 2, 23	REPORT MADE BY: T. P. Weise.
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TITLE AND CHARACTER OF CASE:
 W. B. SMITH, et als. Osage County, Okla. : Murdered Osage
 Indians.

DEVELOPMENT:
 Okla. City, Okla. (O. C. #70301)

Continuing, and referring to previous reports,
 62-5033
 entitled
 as
 above.

On Nov. 2, 1923 Agent was furnished the report of the investigation made by HOWARD W. LAKE, Times Building, St. Louis, Mo. for the Capital Insurance Co. of Denver, Colo. re. its insurance policy for \$25,000.00 on the life of HENRY ROAN, deceased, in favor of W. K. HALE, Fairfax, Okla. Said report being forwarded to this office by Agent in Charge S. J. McFiee of the Denver office of this Bureau.

Said report is dated May 9, 1923 and consists of forty-three pages of spaced, typewritten sheets. Agent read said report carefully, and finds nothing in it to justify it being copied herein. Said report is an exceptionally well written statement, and shows a well made and thorough investigation, but said investigation was made wholly to secure all possible evidence as to fraud on the

part of W. K. HALE, beneficiary, in the procurement of said policy, and no effort was apparently made to secure evidence as to how and by whom HENRY

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NOV 22 1923

FILE NO. 62-5033-48

BUREAU OF INVESTIGATION RECORDED & INDEXED

DEPARTMENT OF JUSTICE

ROUTED TO: [initials]

NOV 17 1923

DIVISION

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T. F. Weiss.

Nov. 2, 1928.

ROAN, assured, was murdered.

Report does show a possible motive that W. K. HALE might have
in HENRY ROAN'S murder (which point, however, has been thoroughly
covered in previous reports from this office) and shows that the last
known address of JOHN McLEAN, agent for the Mutual Life Insurance Co.
at the first application by W. K. HALE for insurance on HENRY
ROAN, which was rejected, is Los Angeles, Calif., care of Mutual
Life Insurance Co., and that:

The last known address of F. E. REYNOLDS, agent for the Capital
Life Insurance Co. who wrote the policy for \$25,000.00 in favor of W.
ROAN, that was accepted, is Oklahoma City, Okla., care Capital Life
Insurance Co.

OPEN.

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